

U.S. Patent Application No. 09/606,575

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

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Applicant thanks the Examiner for granting the interview on March 23, 2006, during which it was discussed that incorporating Claim 27 and any intervening Claim into Claim 1 would overcome the rejection to Claim 27, because the prior art of reference was not deemed to disclose or suggest the limitation of Claim 27. Also discussed were the meanings of certain claim terms, entity, peer, and member, during which Applicant agreed to clarify, in the present response, the use of such terms by relying on the Specification.

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2. **35 U.S.C. §102(b).**

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The Examiner has rejected Claims 1-46 under 35 U.S.C. §102(b) as being anticipated by Prezioso (U.S. Patent No. 5,577,169).

Applicant respectfully traverses.

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Applicant incorporates herein the arguments from the previous response dated October 18, 2005.

(a) Definition of Entity, Peer, and Member

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(i) First, as discussed during the afore-mentioned interview, Applicant asserts herein that the definitions of entity and member are as follows (emphasis added):

(On page 2, lines 5-7)

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An entity is an operational unit within a given setting, application or environment and represents objects that interact within that setting, application or environment. The members of an entity are generally objects of a similar type.

(On page 3, line 1)

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The member of an entity is an individual instance of the entity.

An example of an entity supports clearly what is meant by entity to one skilled in the art in view of the Specification and is provided as follows:

(On page 3, lines 1-3)

- 5 For example, a specific doctor is a member of the healthcare provider entity, a particular grocery store is a member of the credit card merchant entity and so on.

A definition of peer according to the Specification can be found at least as follows (emphasis added):

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(On page 27, lines 8-11)

Peers may be defined by specific data fields (such as declared specialty and geographic location) or by a data-driven methodology that assigns providers to peer groups based upon what they do, and not what they have declared as a specialty.

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It should be appreciated that our notion of Entity is a group of members sharing a common property, rather than just identifying individual objects (the latter being the notion of entity used by Prezioso). Entity refers to the idea of the group, or the universe forming the group. For example, the universe of physicians. Members can be categorized within the entity as a peer group. For example, the radiologist peer group within the universe of physicians. (Prezioso uses a similar meaning for peer group.) Prezioso doesn't have an equivalent to the notion of larger universe for a large group of members.

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- 25 Applicant is of the opinion that the evidence and explanation provided hereinabove and evidence and explanation provided in previous responses make it clear to one of ordinary skill in the art what is meant by entity, member, and peer in the claimed invention.

- 30 The Examiner is invited to call Applicant should the Examiner need further clarification.

(ii) Disclosure in Specification questioned by the Examiner.

During the interview, the Examiner put forth his position that the Specification contradicted the meanings of entity and member of the claimed invention. Specifically,

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U.S. Patent Application No. 09/606,575

the Examiner relied on page 3, lines 14-15, which is reproduced hereinbelow for convenience:

A transaction may initially arise between two entities (e.g. a doctor and a patient)

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The Examiner then explained that, therefore, the Examiner interprets an entity as a doctor and an entity as a patient.

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As explained during the interview, the use of the term, entity, in this example, and in other similar places in the Specification, is used in a way that is according to the vernacular of one of ordinary skill in the art. Specifically, in set theory applied in the applied sciences, a person of ordinary skill in the art at times refers to a member of a set and the set itself using the same term. The person of ordinary skill in the art is able to discern whether the set or the member is meant in any given use because one of

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ordinary skill in the art uses the context to determine the correct meaning.

In the disclosure hereinabove that was relied on by the Examiner, it is evident that one of ordinary skill in the art would interpret the doctor to be an individual instance of an entity and the patient to be an individual instance of another entity.

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Applicant is of the opinion that it is evident from (i) above that the definitions and meanings of entity, member, and peer are clear and unambiguous and that one of ordinary skill in the art is capable of discerning an instantiation of an entity from the entity itself in view of the context.

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(iii) Applicant has nevertheless amended Claim 1 to further clarify that which is considered to be the invention. Support for the amendment can at least be found in the Specification and in Claim 27. No new matter has been entered.

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Therefore, in view of the above, Applicant is of the opinion that the prior art of reference does not teach all limitations of the Claim 1 and that Claim 1 and its dependent claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections under 35 USC §102(b).

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(iv) Claims 31-39, 42, and 45.

U.S. Patent Application No. 09/606,575

Applicant is of the opinion that in view of the argument put forth hereinabove and in previous responses, that Claims 31-39, 42, and 45 are in allowable condition because the prior art of record does not teach all the claim limitations, to wit, multiple entity profiles and interacting pairs of entities. Hence, the dependent claims are deemed to be in condition for allowance.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §102(b).

4. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response.

Respectfully Submitted,



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